



PATENT APPLICATION
Docket No: 13914.875

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Dalebout et al.)	
)	
Serial No.:	10/685,342)
)	
Filed:	October 13, 2003)
)	
Confirmation No.:	1258)
)	
For:	WEIGHT LIFTING SYSTEM WITH INTERNAL CAM MECHANISM)
)	

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that the following documents are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop: IDS – NO FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of January, 2004:

- Transmittal for Information Disclosure Statement (3 pgs.) (in duplicate)
- Information Disclosure Statement (3 pgs.)
- Form PTO-1449 (4 pgs.)
- Copies of 12 references
- Postcard

Respectfully submitted,

Linda Clark, Assistant to
David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913

RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSNICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE *
STERLING A. BRENNAN *
GREGORY M. TAYLOR
DAVID B. DELLENBACH
R. BURNS ISRAELSEN
DAVID R. TODD
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED



WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS

1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
TELEPHONE: (801) 533-9800
FAX: (801) 328-1707
WEBSITE: [HTTP://WWW.WNLAW.COM](http://www.wnlaw.com)

PATENT APPLICATION
Docket No: 13914.875

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of

Dalebout et al.

Serial No.: 10/685,342

Filed: October 13, 2003

Confirmation No.: 1258

For: WEIGHT LIFTING SYSTEM WITH INTERNAL CAM
MECHANISM

R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
MICHAEL B. DODD
WILLIAM R. RICHTER
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Mail Stop: IDS – NO FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

Statement of relevance of selected cited references not in the English language which are not translated.

Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.

- Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- X Form PTO-1449 listing 45 references submitted for consideration.
- X Copies of the required 12 references listed on the Form PTO-1449.
- English translations as indicated on the Form PTO-1449 of the references which are not in the English language.
- Copies of the following documents from the prosecution of a previous, related application:
 - Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and
 - Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. X Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. — Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
 - Promptness Certification; or
 - Credit Card Form PTO 2038 in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. — After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
 - Promptness Certificate;

— Petition for Consideration; and

— Check No. in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

IV. — After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

— Petition to Withdraw from Issue; and

— Check No. _____ in the amount of \$ _____ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

Any fee required in relation to filing of this letter or any documents transmitted therewith.

— The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

— The submission fee set forth in 37 C.F.R. § 1.17(p).

— The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 30 day of January, 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913



PATENT APPLICATION
Docket No: 13914.875

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
)	
Dalebout et al.)	
)	
Serial No.:	10/685,342)
)	
Filed:	October 13, 2003)
)	
Confirmation No.:	1258)
)	
For:	WEIGHT LIFTING SYSTEM WITH INTERNAL CAM MECHANISM)
)	

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Mail Stop – IDS – NO FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the required references or relevant portion thereof is also enclosed.

Statement of Relevance of References Listed
Unaccompanied by English Translation
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided:

Soviet Union Patent No. 1258-447-A, Issued September 23, 1986: Leg muscles developer – has tube mounted, pins guided weights selected by hand operated cam and spring-loaded rods. Mechanism for developing leg muscles is mounted under floor (3). Weights (5) are inserted on baseplate (1) pins (4). Tube (6) is passed through weights, it is welded to baseplate and fitted with bar (7) and loop (8) to which trainee belt (9) is attached. Shaft is secured in tube bottom and carries rotating sleeve cam (12). Spring-loaded, equispaced radial rods (24) are fitted in tube wall and engaged in weights channels. When sleeve (12) is turned by handle (13). Top weight fingers (16) are inserted in tube grooves (17). Pins (4) ends are secured to plate (18) which has covered (20) opening (19).

A number of weights are positioned on tube end by turning handle (13). Sleeve (12) pushes spring-loaded rods in weight channels. Trainee attaches belt (9) and carries out crouching movements. When he rises and drops the weights locate above fixed one are lifted and lowered on pins (4).

USE/ADVANTAGE – Leg muscles trainer is easier to operate.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 30 day of January, 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913

DBD/lrc
LC0000000269V001

Applicant: Dalebout, et al.
 Serial No.: 10/685,342
 Filing Date: October 13, 2003
 For: *WEIGHT LIFTING SYSTEM WITH INTERNAL CAM MECHANISM*

Att'y Docket No.: 13914.875

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date/ Publication Date</u>	<u>Name</u>
____ 1	D359,778	June 27, 1995	Towley, III, et al.
____ 2	1,316,683	September 23, 1919	Calvert
____ 3	1,672,944	June 12, 1928	Jowett
____ 4	1,991,520	February 19, 1935	Postl
____ 5	2,379,984	July 10, 1945	Nereaux
____ 6	2,500,299	March 14, 1950	Spitzkeit
____ 7	2,640,696	March 26, 1952	Lemieux
____ 8	3,099,509	July 30, 1963	Duenke
____ 9	3,161,395	December 15, 1964	Carter
____ 10	3,488,051	January 6, 1970	Papistas-Scherer
____ 11	3,606,406	September 20, 1971	Walters
____ 12	3,679,244	July 25, 1972	Reddy
____ 13	3,771,785	November 13, 1973	Speyer
____ 14	3,825,253	July 23, 1974	Speyer
____ 15	3,913,908	October 21, 1975	Speyer
____ 16	4,042,305	August 16, 1977	Vincent
____ 17	4,529,197	July 16, 1985	Gogarty

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Dalebout, et al.
 Serial No.: 10/685,342
 Filing Date: October 13, 2003
 For: WEIGHT LIFTING SYSTEM WITH INTERNAL CAM MECHANISM



Att'y Docket No.: 13914.875

<u> </u> 18	4,529,198	July 16, 1985	Hettick, Jr.
<u> </u> 19	4,566,690	January 28, 1986	Schook
<u> </u> 20	4,638,994	January 27, 1987	Gogarty
<u> </u> 21	4,861,025	August 29, 1989	Rockwell
<u> </u> 22	4,882,035	April 18, 1989	Jennings, et al.
<u> </u> 23	4,893,810	January 16, 1990	Lee
<u> </u> 24	5,637,064	June 10, 1997	Olson, et al.
<u> </u> 25	5,769,762	June 3, 1998	Towley, III, et al.
<u> </u> 26	5,779,604	July 14, 1998	Towley, III, et al.
<u> </u> 27	5,839,997	November 24, 1998	Roth, et al.
<u> </u> 28	5,876,313	March 2, 1999	Krull
<u> </u> 29	6,007,268	December 28, 1999	Whittington, et al.
<u> </u> 30	6,033,350	March 7, 2000	Krull
<u> </u> 31	6,039,678	March 21, 2000	Dawson
<u> </u> 32	6,099,442	August 8, 2000	Krull
<u> </u> 33	6,261,022 B1	July 17, 2001	Dalebout, et al.

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>
<u> </u> 34	SU 1258-447-A	September 23, 1986	Soviet Union

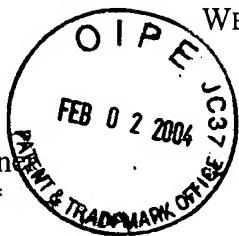
Examiner: _____ Date Considered: _____

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Dalebout, et al.
Serial No.: 10/685,342
Filing Date: October 13, 2003
For: WEIGHT LIFTING SYSTEM WITH INTERNAL CAM MECHANISM

Att'y Docket No.: 13914.875

Examiner
Initial*



Other Documents
(including author, title, pertinent pages, etc.)

- 35 Bodybuilder's Discount Outlet Summer 1995 Catalog, p. 20. Showing Power Block Selectorized Dumbbells and Stand, 1994 (2 pages).
- 36 PowerBlock, *The World's Only Selectorized Dumbbell*, 1995 IntellBell, Inc. (6 pages).
- 37 PowerBlock, *The World's Only Selectorized Dumbbell*, available on information and belief at least as early as September, 2002 (2 pages).
- 38 ProBell, *The Most Advanced Exercise Tool on the Planet*, available on information and belief at least as early as September, 2002 (3 pages).
- 39 ProBell, *The Most Advanced Exercise Tool on the Planet*, Owner's Manual, available on information and belief at least as early as September, 2002 (4 pages).
- 40 Various Internet Documents for ProBell, <http://www.premiseproducts.com>; January 7, 2004 (13 pages).
- 41 Various Internet Documents for ProBell, <http://ss130.securedata.net/probell/Order.htm>, January 7, 2004 (5 pages).
- 42 Various Internet Documents for ProBell, <http://www.probell.com/Dealer.htm>, January 7, 2004 (12 pages).
- 43 ProBell, *Fundamental Eight*, available on information and belief at least as early as September, 2002 (10 pages).
- 44 ProBell, *3 Day Workout*, available on information and belief at least as early as September, 2002 (9 pages).
- 45 ProBell, *Dial Into Fitness*, available on information and belief at least as early as September, 2002 (10 pages).

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant:

Dalebout, et al.

Serial No.:

10/685,342

Att'y Docket No.: 13914.875

Filing Date:

October 13, 2003

For:

WEIGHT LIFTING SYSTEM WITH INTERNAL CAM MECHANISM

**References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

LC0000000268V001

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.